

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**KYLE P. TATE**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:08CV57-P-A**

**LYNN T. CARVEL, M.D., DESOTO  
DIAGNOSTIC IMAGING, LLC d/b/a  
CARVEL IMAGING, METHODIST  
LE BONHEUR HEALTHCARE and  
MEMPHIS RADIOLOGICAL  
PROFESSIONAL CORPORATION,  
Joint Venturers**

**DEFENDANTS**

**ORDER**

This cause is before the Court on defendant Carvel's Motion to Strike Improper Response [23]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is well-taken and should be granted. Tate filed a surreply in opposition to Carvel's Motion to Compel Arbitration. He did so without requesting leave of court to do so and in violation of Uniform Local Rule 7.2(D). Furthermore, review of the filing convinces the Court that the supplemental brief would not aid the Court in reaching a decision on the Motion to Compel Arbitration.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant Carvel's Motion to Strike Improper Response [23] is well-taken and should be, and hereby is, GRANTED.

SO ORDERED, this the 25<sup>th</sup> day of March, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE